The 13th Annual Report Of The Criminal Injury Compensation Act Of British Columbia

JANUARY 1, 1984-DECEMBER 31, 1984

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THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:

The Honourable Brian D.R. Smith, Q.C.
Attorney General
Province of British Columbia

Agency responsible for the administration of the Act:

Workers' Compensation Board of British Columbia

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THE 13TH ANNUAL REPORT
OF THE CRIMINAL INJURY
COMPENSATION ACT
OF BRITISH COLUMBIA

JANUARY 1, 1984 - DECEMBER 31, 1984

Administered by the
Workers' Compensation Board of British Columbia
for the Ministry of the Attorney General

28 February 1985

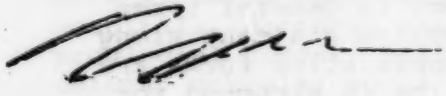
TO HIS HONOUR THE LIEUTENANT-GOVERNOR
IN COUNCIL OF THE PROVINCE OF
BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1984 to 31 December 1984.

Yours respectfully,



Walter R. Flesher
Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since 1 July 1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from: (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a peace officer in preventing or attempting to prevent the commission of such offence or suspected offence.

The Act applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

1,099 new applications were received during the year which, when added to the 141 applications carried forward from the previous year, presented 1,240 claims for consideration and decision; of that number, 1,168 applications were disposed of leaving 72 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 8,441 applications.

Application forms are available at all Workers' Compensation Board offices located throughout the province (see list of offices on the last page of this report). Information booklets explaining the provisions of the Act in general terms are also forwarded or given to every prospective claimant along with the application form. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 15 to 23. Three decisions on actual claims have also been reproduced on pages 10 to 14 to illustrate the general format of the decision as well as the factors normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the form and amount of the award.

Compensation may be granted in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. The Board is precluded from awarding compensation where the amount payable is less than $100.

A total of $3,180,033 was paid out in compensation awards in 1984. Of that total, $1,997,761 was awarded in the form of lump sum payments and $1,182,272 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation, a total of $20,343,457 has been paid out in compensation awards.

The province is responsible for paying all compensation and costs but, pursuant to a cost-sharing agreement, which has been in effect since 1 January 1973, it recovers from the Government of Canada, except for adminstration costs, 10 cents per capita of the population of the province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending 31 March 1984, the contribution by the Federal Government amounted to $282,390 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of 1 June 1983.

PUBLICATIONS

Efforts continue in an attempt to increase public awareness of the Act. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, provincial judges, police stations, employer associations, unions, schools, social workers, sexual abuse and rape crisis centres, and the news media, among others.

During the past year, the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act.

ADMINISTRATION

The Board's workload has continued to increase steadily. 1,034 cases were adjudicated and finalized during the year. Awards were granted in 811 of these cases. The remaining 223 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were accordingly disallowed.

Assault cases continued to dominate as the most common type of crime involved. Of the 811 awards that were granted during the year, 457 involved cases of assault.

Claims involving sexual offences increased significantly during the year, becoming the next most frequent category of crime involving some 158 cases. This was followed by 103 cases involving robbery.

The total expenditure for the year amounted to $3,675,060. Administration costs amounted to $495,027 or approximately 13% of that total. Additional details of these expenditures are contained in page 9 of this report.

ACKNOWLEDGEMENTS

The Board would like to thank the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

The Board would also like to express its appreciation and gratitude to the news media for publicizing the benefits available under the Act.

Respectfully submitted,

W.R. Flesher
Chairman

M. Parr
Commissioner

G.W. Hall
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-82	1983	1984	Total to Date
Applications received	6,230	1,112	1,099	8,441
Number of awards granted	4,092	803	811	5,706
Awards paid	$13,900,608	$3,262,816	$3,180,033	$20,343,457

SUMMARY OF APPLICATIONS AND DISPOSITION

1 January 1984 to 31 December 1984

Applications carried forward from prior years	141
Applications received in 1984	1,099
	1,240

Disposition of applications:

(a)	Applications allowed - awards granted	811
(b)	Applications denied - awards not allowed	223
(c)	Applications withdrawn/abandoned	134
(d)	Applications carried forward to 1984	72
		1,240

Summary of awards:

(a)	Number of lump sum awards granted in 1984		730
(b)	Number of periodic awards granted in 1984		81
(c)	Lump sum payments	$1,997,761	
*(d)	Periodic payments	1,182,272	
(e)	Total awards paid	$3,180,033	

*Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

Dangerous Use of Firearms	7
Rape	48
Attempted Rape	12
Sexual Intercourse with Female Under 14 or 16	11
Indecent Assault on Female	63
Indecent Assault on Male	18
Common Nuisance Causing Harm	2
Causing Death by Criminal Negligence	1
Causing Bodily Harm by Criminal Negligence	3
Murder	24
Manslaughter	10
Attempted Murder	16
Causing Bodily Harm with Intent	15
Overcoming Resistance to Commission of Offence	1
Common Assault	54
Assault Causing Bodily Harm	387
Assault with Intent to Commit Indictable Offence	14
Assault interfering with Lawful Process	2
Kidnapping	1
Illegal Confinement	2
Abduction of Child Under 14	2
Robbery	103
Intimidation by Violence	1
Mischief Causing Actual Danger to Life	5
Arson	2
Assisting a Peace Officer	3
Preventing a Crime	4
	811

APPLICATIONS BY AREA

ABBOTSFORD	13	KISPIOX	1
AGASSIZ	1	KITIMAT	4
ALEXIS CREEK	1	KITWANGA	1
ASHCROFT	2	LAC LA HACHE	1
BARRIERE	1	LADNER	2
BEAR MOUNTAIN	1	LADYSMITH	2
BELLA COOLA	1	LAKE COWICHAN	2
BLUE RIVER	2	LANGFORD	1
BOSTON BAR	1	LANGLEY	18
BOWEN ISLAND	1	LANTZVILLE	2
BRACKENDALE	2	LILLOOET	2
BURNABY	51	LUMBY	1
BURNS LAKE	3	LYTTON	1
CAMPBELL RIVER	20	MAPLE RIDGE	7
CHASE	1	MATSQUI	3
CHETWYND	1	MERRIT	2
CHILLIWACK	12	MISSION	2
CLAYBURN	1	MORICETOWN	1
CLEARWATER	1	MOUNT LEHMAN	2
CLOVERDALE	5	NAKUSP CREEK	1
COBBLE HILL	6	NANAIMO	12
COLWOOD LAGOON	1	NELSON	3
COMOX	1	NEW WESTMINSTER	52
COQUITLAM	25	NEWTON	2
COURTENAY	6	NORTH VANCOUVER	36
CRANBROOK	7	OLIVER	2
CRESCENT VALLEY	1	OSOYOOS	1
DAWSON CREEK	3	PATRICIA BAY	1
DELTA	14	PENTICTON	8
DUNCAN	3	PITT MEADOWS	1
ELKFORD	1	PORT ALBERNI	8
ENDERBY	1	PORT COQUITLAM	5
ERRINGTON	1	PORT MOODY	3
ESQUIMALT	1	POWELL RIVER	4
FORT LANGLEY	1	PRINCE GEORGE	24
FORT NELSON	1	PRINCE RUPERT	5
FORT ST. JAMES	13	QUADRA ISLAND	1
FORT ST. JOHN	6	QUALICUM BEACH	5
GOLD RIVER	2	QUESNEL	5
GRAND FORKS	3	REVELSTOKE	4
HALFMOON BAY	1	RICHMOND	27
HANEY	2	SAANICH	2
HARRISON HOT SPRINGS	1	SALMO	1
HARRISON MILLS	1	SALMON ARM	4
HARROP	1	SARDIS	2
HOPE	7	SAYWARD	1
INVERMERE	1	SECHELT	2
KAMLOOPS	16	SHAWNIGAN LAKE	1
KASLO	1	SMITHERS	1
KELOWNA	22	SOINTULA	1
KEREMEOS	1	SOOKE	6
KIMBERLEY	1	SPENCES BRIDGE	1

SQUAMISH	2	VICTORIA	55
STELLAKO RIVER	1	WEAVER LAKE	1
SURREY	80	WEST VANCOUVER	9
TAKLA LANDING	1	WESTBANK	1
TATLA LAKE	1	WHITE ROCK	4
TERRACE	8	WILLIAMS LAKE	4
VANCOUVER	352	WINLAW	1
VANDERHOOF	2	100 MILE HOUSE	2
VERNON	15		
		TOTAL:	1,099

SUMMARY OF EXPENDITURES

For the year ended 31 December 1984

Claim Costs:		
Awards paid	$3,180,757	
Less third party recoveries	(724)	$3,180,033
Administration Costs:		
Salaries and payroll	$ 438,034	
Occupancy and other service costs	53,508	
Travel and field investigations	16,014	
Communications	6,474	
Equipment	3,664	
Supplies and stationery	1,498	
Publications and advertising	1,151	
Miscellaneous	695	
Less third party recoveries	(26,011)	$ 495,027
Total Expenditure		$3,675,060

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached, a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

On June 24, 1984 at approximately 7:15 p.m. the claimant, then age 20, sustained injuries to his left eye when he was struck by a man wielding a horsewhip on a street in Maple Ridge, B.C. The incident occurred when the applicant was riding a bicycle. The offender was subsequently charged with a weapons offence and assault causing bodily harm.

The injuries sustained by the claimant in this incident are described as multiple contusions with trauma to the left eye and contusions of the nose. He initially received conservative treatment and was released from hospital shortly thereafter. On October 17, 1984 he was examined by a Board doctor and interviewed by a Board investigator. The claimant states that he wore an eye patch and used medication for one week. He states that since this incident his vision in his left eye has been significantly hampered and has become extremely blurred. He has been suffering, he states, from intermittent headaches. The medical examination revealed that the injuries have healed although he was suffered significant damage to the left eye in that the left pupil does not react to light. Visual acuity has been reduced to the order of 40/200. In the opinion of the Board doctor this condition will not probably be improved with corrective lenses. The claimant is not otherwise considered to be disabled from carrying on with daily activities and no other sequelae are to be expected.

The claimant was not employed at the time of this incident. No loss of wages was sustained due to these injuries. He incurred $10.00 in hospital co-insurance charges, $113.41 in medical accounts, and $23.89 in drug accounts. With the exception of noted drug expense all of the above enumerated items of expenditure are currently outstanding. In addition he incurred approximately $10.00 in transportation costs. He indicates as well that the injuries interfered for a time with his participation in a vocational course in which he was enrolled.

The claimant is a victim of crime within the meaning of the Act and is entitled to be compensated for the injuries sustained in this incident. An award of $157.30 is assessed with respect to the above enumerated items of expenditure. Taking into consideration the nature of the injuries sustained, the nature and degree of the pain and inconvenience occasioned thereby and considering the residual reduction in left-sided visual acuity remaining, an additional award of $4,800.00 is assessed to compensate the claimant in that respect.

ILLUSTRATION NO. 1 - Continued

The interim award of October 18, 1984 must be deducted from the above amount in arriving at the final award. Subtracting $1,500.00 from the above assessment leaves a net result of $3,457.30.

In the event that the claimant purchases prescription eyeglasses necessitated as a result of this incident and the medical costs incurred in their purchase are not otherwise payable under a medical or health plan, he may apply for further consideration of his claim in this regard.

Section 3(1)(d) of the Act provides that where compensation is payable for expenses, the Board may pay the compensation directly to the person entitled to it.

AWARD: $3,457.30

ILLUSTRATION NO. 2

On April 2, 1982 the claimant, age 80, died in a hospital in Port Coquitlam, B.C. following a lengthy period of hospitalization for a variety of illnesses. The medical evidence indicates that the actual cause of death was an acute myocardial infarct of approximately 10 days duration.

An application for benefits has been received from Mrs. S, widow of the deceased. Mrs. S is of the opinion that the deceased's death is attributable to an incident near Hope, B.C. on August 10, 1980 in which the deceased was allegedly robbed and beaten by some youths. This opinion and allegation however would not appear to be supported by information provided by the police nor the available medical evidence.

Information obtained from the police and the hospitals attended by the deceased would indicate that the deceased had a recent history of strokes along with cardiac arrhythmia. This evidently led to deterioration in his mental functioning with the result that in early 1980 he apparently demonstrated mental disturbances by withdrawing "a large sum of money from the bank" and setting out for Sudbury, Ontario "to find a job". He evidently became confused and instead ended up in Calgary, Alberta. Calgary police ultimately made arrangements for him to return to British Columbia and he was placed on a bus destined for Chilliwack, B.C. He apparently was evicted from the bus at Kamloops because of an argument but was later allowed to continue. When the bus arrived at Hope he was again evicted and this time was not allowed to continue his trip. This apparently occurred approximately 11:45 p.m. on August 11, 1980. On August 12, 1980 at approximately 3:00 p.m. the Agassiz police received a missing persons call from

ILLUSTRATION NO. 2 - Continued

Mrs. S concerning the deceased's disappearance. The deceased eventually returned home via taxi on August 12, 1980 and at approximately 11:45 p.m. The deceased evidently did not complain of any robbery or assault to the police and the police did not observe any signs of injury on the deceased at that time. On August 13, 1980 the deceased was re-admitted to Chilliwack Hospital for "confusion, headache and back pain". Later at Chilliwack Hospital in January 1981 a CT scan revealed evidence of a right frontal hematoma with some obliteration of regional cortical sulci (indicating pressure) and moderate cerebral and cerebellar atrophy. A repeated CT scan two weeks later showed progressive resolution of the hematoma. Coincident with the resolution, the deceased's confusion decreased and his orientation improved but he continued to demonstrate episodes of depression. Subsequently, his behaviour deteriorated to a point that he required hospitalization at Valleyview. On his admission to Valleyview on January 6, 1982 he was evidently noted to be confused and disoriented displaying agitation, belligerency and a labile affect. He was investigated for possible repair of a rectal prolapse but developed bronchopneumonia which prevented surgery. He expired on April 2, 1982 after an afebrile episode of less than 12 hours. An autopsy was performed on April 5, 1982 listing the final diagnosis as follows:

1. Arteriosclerotic coronary heart disease;

2. Acute myocardial infarction;

3. Bilateral pulmonary edema;

4. Chronic pyelonephritis;

5. Old contusions of frontal lobe.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Having regard to the deceased's age and the surrounding circumstances of his death it cannot be concluded that he was a victim of crime within the meaning of the Act. His death is considered to be attributable to causes other than the commission of a scheduled criminal offence. Even if it could be concluded that he had been assaulted and robbed by some youths on or about August 10, 1980 which event, it might be added, would not appear to be supported by any objective or corroborative evidence, it is not considered that his death had resulted from the injuries he may have sustained on that occasion. The medical evidence simply does not support such conclusion. In the result there can be no compensation awarded on this claim, since the deceased cannot be classified as a victim of crime within the meaning of the Act.

It is appreciated that the deceased's death was a grievous loss to Mrs. S and may have caused her great anguish,

ILLUSTRATION NO. 2 - Continued

sorrow and suffering. This, however, is not sufficient to establish entitlement to benefits under the provisions of the Act.

NO AWARD

ILLUSTRATION NO. 3

On June 15, 1979 at approximately 10:00 p.m. the claimant, then age 13, accepted a ride in a van containing three male persons on a road in Surrey, B.C. Subsequently the claimant attended a party in the company of these persons and during which the police were at one point in attendance. Later, while "driving around" in the company of these persons in the van the police arrived on the scene on a second occasion and stopped the van. On neither of these occasions did the claimant make any mention of being held against her will or request police assistance. Indeed during evidence given during the preliminary enquiry the claimant advised that she did not like the police and declined to speak with them for that reason and also for the reason that she did not feel at that time that she was being held against her will. It should be noted that following the preliminary enquiry two accused persons were committed for trial. One of the accused was ultimately convicted of rape in connection with a subsequent sexual attack upon the claimant.

The claimant was seen at hospital emergency ward following this incident with injuries including multiple contusions and lacerations and an anxiety state due to a sexual assault. She received the appropriate treatment. She did not require hospital admission. The claimant later declined to attend a Board medical examination and interview. A report from a physician indicates that the claimant has refused to discuss this incident with a physician or with anyone. Consequently, on March 26, 1984 the claimant's mother was interviewed by a Board investigator. It is noted that this incident has represented a considerable disruption in the claimant's life. Symptoms of anxiety persisted following this incident. They have subsided to a degree. There is no indication that the claimant has undertaken any form of counselling or therapy. While there is some suggestion that this may benefit her, it has been stated that she refuses to discuss the occurrence with a therapist.

There is considered to be sufficient evidence from which to conclude that the claimant is a victim of crime within the meaning of the Act. She is accordingly entitled to be compensated in respect of the injuries received in this incident. Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the

ILLUSTRATION NO. 3 - Continued

amount thereof. It is clear that the claimant was the victim of a sexual attack. Certainly one of the two accused was convicted in connection with this incident of a charge of rape. However, it is noted in reviewing all of the facts and circumstances of this incident that the claimant had accompanied these persons in their van. While aware of her evening curfew she chose to remain in these persons' company for a considerable period of time. By accompanying these persons and electing to stay in their company and particularly when she was not being forced to do so and in light of her failure to notify the police of her situation when twice given an opportunity to do so, it is determined that to some extent she has contributed toward the situation which eventually developed into the attack which occurred. It is considered that to some degree she has contributed toward the situation in which she was eventually attacked and that contribution shall be taken into account in the overall assessment.

Taking into consideration the claimant's contribution toward this incident as well as the nature of the injuries sustained and the nature and degree of the pain and mental anxiety arising therefrom, an award of $1,500.00 is assessed to compensate the claimant in that respect.

Section 20(3) of the Act provides that the Board has full discretionary power at any time to reopen, rehear and redetermine any matter that has been dealt with by it. Representations have been made on the claimant's behalf that this incident resulted in a substantial disruption to the claimant's personal life and specifically to her schooling and education. If the claimant elects to resume her schooling and/or elects to undergo counselling or therapy necessitated by the injuries sustained in this incident and the medical and other costs incurred in relation thereto are not otherwise payable from another source, including a medical plan, she may apply to have this award reconsidered in that light.

Section 3(2)(c) of the Act provides that the Board may make payment of compensation to any person who in the opinion of the Board is best qualified to administer the payment on behalf of the victim. In this case it is considered that the claimant's mother is best qualified to administer the award on the claimant's behalf.

REDUCED AWARD: $1,500.00

EXAMPLES OF ALLOWED CLAIMS

63983 A 54-year old male received multiple injuries when dragged for a distance by a car driven by a man on a parking lot in Qualicum Beach, B.C. Victim had given chase to culprit whom he had observed in the act of stealing a bottle of liquor. Victim injured while attempting to grab the culprit through the vehicle window in order to prevent his escape. Culprit has not been identified. Victim received medical treatment for multiple contusions and abrasions and severe bruising and strain of the right leg and knee. AWARD: $1,555.72 (medical account - $5.00; drug expense - $30.72; clothing damage - $120.00; pain and suffering - $1,400.00)

94583 An 84-year old female was without warning attacked, abused and thrown heavily to the floor of a lobby of an apartment building by a man during a purse-snatching incident. Culprit convicted of robbery and sentenced to incarceration for 14 months. Victim received medical treatment for injuries including multiple contusions and sprains and an aggravation of a pre-existing arthritic condition in her back. AWARD: $2,400.00 (pain and suffering, etc.)

29683 A 55-year old male sustained severe head injuries when attacked and beaten by unknown persons during a robbery at his residence in Vancouver, B.C. The culprits have not been identified. Victim required extensive medical treatment for injuries including zygomatic mandibular nasal and skull fractures with resulting brain damage. Due to residual condition of organic brain syndrome, victim will require constant care and supervision for the rest of his life. AWARD: $4,123.00 (ambulance expense - $44.00; hospital co-insurance - $4,079.00) plus periodic award of $690.00 per month subject to future cost of living adjustments, payments commencing effective 16 January 1984 and continuing monthly until applicant's demise.

104383 A 15-year old female suffered emotional stress and anxiety relatable to a number of incidents during which she was attacked and sexually abused by other members of her family including her father, step-father and paternal grandfather in locations including the family residence in Lake Cowichan, B.C. Victim's father convicted of sexual assault and sentenced to incarceration for 4 years. Victim has undergone extensive therapy with a psychologist. AWARD: Paid in coverage of ongoing costs of therapy for duration of time therapy required by victim.

24183 A 29-year old male sustained fatal injuries when stabbed with a knife by his intoxicated common-law wife during an argument at their residence in Fort St. John, B.C. Culprit pleaded guilty to a charge of manslaughter. Application is made by father of the victim. AWARD: $2,441.76 (funeral and burial expenses)

EXAMPLES OF ALLOWED CLAIMS - Continued

98483 A 50-year old male sustained fatal injuries when struck by shrapnel from an exploding airplane on a river near Vanderhoof, B.C. Deceased was assisting another man in retrieving the airplane which had apparently been deliberately set adrift and rigged with an explosive device. Police investigation has been ongoing. Application is made by victim's widow on behalf of herself and one child who continues to reside with applicant. AWARD: $2,273.00 (funeral and burial expenses) plus periodic awards of $500.00 and $150.00 per month subject to cost of living adjustments and payable respectively to applicant and her child, payments commencing effective 4 July 1983 and continuing monthly until applicant's remarriage or death and, with respect to the child, continuing monthly for duration she continues regularly to attend an academic, technical or vocational school until attaining the age of 21.

101883 A 39-year old female suffered multiple injuries during an attempt to repel a male intruder in the process of climbing through the window of victim's residence in Maple Ridge, B.C. Victim subsequently forced to flee from the scene. Culprit has not been identified. Victim received conservative treatment for injuries including multiple strains of her back, neck and shoulders. AWARD: $1,664.16 (physiotherapy expense - $412.00; drug account - $22.16; transportation expense - $30.00; loss of wages, pain and suffering - $1,000.00)

102883 A 40-year old female received injury when she was without warning struck by a bullet fired from a rifle during a sniping incident on a parking lot in Kamloops, B.C. The culprit was ultimately convicted of causing bodily harm with intent and sentenced to incarceration for two years. Victim received hospital and medical treatment for a gunshot wound of the left shoulder. AWARD: $3,073.70 (physiotherapy expense - $23.70; clothing damage - $50.00; pain and suffering, etc. - $3,000.00)

51783 A 24-year old female was attacked, abducted, driven to a number of different locations, physically abused, severely beaten and raped in the vicinity of Williams Lake, B.C. Assailant subsequently charged with rape and attempted murder. Victim received extensive hospital and medical treatment for multiple injuries including contusions and lacerations about the face, head and body, a large deep laceration across the midline of the scalp with a compound depressed skull fracture and left-sided brain hemorrhage. Victim received a program of psychotherapy. AWARD: $11,539.66 (hospital co-insurance - $185.50; ambulance expense - $189.16; replacement eyeglasses - $141.00; clothing damage - $140.00; transportation expense - $800.00; personal care expense - $84.00; pain and suffering and mental anxiety - $10,000.00)

106883 A 28-year old male received injuries when attacked and beaten by a man at the victim's residence in Cranbrook, B.C. Victim attacked when attempting to intercede in a domestic quarrel

between assailant and assailant's wife. Assailant convicted of assault causing bodily harm. Victim received hospital and other treatment for multiple contusions and lacerations of the face and chest and a fracture of the right 9th rib with resulting condition of pneumothorax. AWARD: $1,143.50 (hospital co-insurance - $18.50 ambulance expense - $25.00; loss of wages, pain and suffering, etc. - $1,100.00)

113083 An 18-year old male received multiple injuries when struck by flying glass from a window of a car in which he was riding as a passenger when vehicle struck with a beer bottle thrown by an unknown person on a parking lot in Vancouver, B.C. Culprit has not been identified. Victim received hospital and other treatment for multiple lacerations about the face, neck, left ear and with penetration of glass fragments into the left eye. AWARD: $2,538.67 (hospital co-insurance - $11.00; drug accounts - $22.67; transportation costs - $5.00; loss of wages, pain and suffering, etc. - $2,500.00)

100483 A 9-year old female was attacked and sexually assaulted by a man near school grounds in Coquitlam, B.C. Culprit has not been identified. Victim received medical treatment for injuries including multiple contusions and abrasions and an anxiety state. Victim subsequently saw a psychiatrist. AWARD: $1,800.00 (pain, suffering and mental anxiety, etc.)

22083 A 54-year old male received injuries when attacked, beaten and robbed by two men on a parking lot in Vancouver, B.C. The culprits have not been identified. Victim was hospitalized and received extensive treatment for a comminuted oblique fracture of the left tibia. Months of the wearing of a cast followed by additional months of intensive therapy were required. AWARD: $11,000.00 (pain and suffering, etc.)

38683 A 26-year old male was attacked and punched repeatedly in the face by a man near a bar in Colwood, B.C. Assailant pleaded guilty to assault causing bodily harm. Victim required dental repairs which at time of consideration of applicant's claim had not been undertaken. Claim to be reviewed in light of complete dental restoration. AWARD: $300.00 (pain and suffering, etc.)

77483 A 37-year old male was attacked and beaten with a baseball bat by two men at a private residence in Vancouver, B.C. Assailants subsequently charged with causing bodily harm with intent and possession of a dangerous weapon. Victim received extensive hospital and follow-up medical treatment for multiple abrasions, contusions and lacerations and a compound cross fracture of the right lower tibia. Victim completely disabled for approximately 8½ to 9 months due to leg injury. AWARD: $22,165.00 (transportation costs - $100.00;

EXAMPLES OF ALLOWED CLAIMS - Continued

clothing damage - $65.00; loss of wages, pain and suffering, etc. - $22,000.00)

11984 A 63-year old female received minor injury during a purse-snatching incident on a street in Burnaby, B.C. The male assailant has not been identified. Victim did not require medical attention for an injury described as a minor sprain of the left wrist. Victim did suffer from some anxiety in relation to the attack. AWARD: $400.00 (pain and suffering, etc.)

96582 A 3½-old female received injuries when struck and physically abused by her apparently intoxicated and emotionally disturbed father at the family residence in Surrey, B.C. Culprit was convicted of assault causing bodily harm and sentenced to incarceration for 10 years. Application is made on the infant's behalf by her mother. The child required extensive medical treatment for injuries including a severe closed head injury with brain damage. Indications are that the child will be permanently disabled and will require special care and supervision. AWARD: Periodic payments of $710.67 per month subject to future cost of living adjustments and payments commencing effective 8 May 1984 and continuing thereafter on each succeeding month until the child's demise.

19284 A 54-year old male received multiple burn injuries when attacked and set on fire by a man who deliberately threw gasoline into the victim's parked car on a parking lot in Abbotsford, B.C. Assailant charged with attempted murder and arson. Victim required extensive hospital and surgical treatment for multiple second and third degree burns covering 25 percent of his body surface. Multiple scars remain at the burn sites. AWARD: $10,706.13 (hospital co-insurance - $272.00; ambulance account - $34.88; drug expense - $36.85; damaged clothing - $166.90; personal care cost - $695.50; loss of accummulated sick leave, pain and suffering - $9,500.00)

12684 A 76-year old female was attacked and severely beaten with a club and robbed by a male youth after the assailant had broken into victim's residence in Grand Forks, B.C. Culprit charged with attempted murder and robbery. Victim required lengthy hospitalization and treatment for multiple fractures of the face and head and complications caused by extensive blood loss. Further examination revealed the presence of a severe cerebral contusion. AWARD: $8,735.90 (hospital co-insurance - $110.50; ambulance expense - $125.40; pain and suffering, etc. - $8,500.00)

59283 A 20-year old male suffered carbon monoxide poisoning while sleeping at his residence in Prince George, B.C. The poisoning is attributable to an apparent suicide of an emotionally

disturbed man who had directed car exhaust fumes to his suite which was located directly below victim's apartment. Police indicate that had the culprit survived the incident charges of criminal negligence would have been considered. Victim received medical treatment for acute carbon monoxide poisoning with cerebral insult. Victim was unable to resume full time work for almost 14 months. AWARD: $25,000.00 (loss of wages, pain and suffering, etc.)

NOTE: Victim's 20-year old wife also received an award of $25,000.00 in light of similar injuries suffered in the same incident. Both awards also recognized extreme anxiety due to the death of their two children as a result of the incident.

39784 A 30-year old male received injuries when attacked and punched in the face by a man near a hotel in Victoria, B.C. Culprit charged with assault causing bodily harm. Victim received medical treatment for lacerations and contusions of the face and dental damage. AWARD: (excluding cost of incomplete dental repairs) $400.00 (pain and suffering, etc.)

31884 A 19-year old female was attacked, drugged, indecently assaulted and raped by a man at a deserted area in Surrey, B.C. and subsequently on a second occasion in an apartment in Coquitlam, B.C. Culprit was ultimately prosecuted and convicted of criminal charges in connection with the mass murders of 11 children and sentenced to life imprisonment. As a result of these proceedings, prosecution was not undertaken in connection with attack upon victim. As a result of the incident and realization of identity of assailant victim has required psychiatric care in relation to an anxiety state. AWARD: $4,200.00 (loss of wages, pain and suffering, mental anxiety, etc.)

35084 A 33-year old male was attacked and slashed by a knife-wielding man in an apartment in Terrace, B.C. Culprit was charged with assault causing bodily harm and possession of a dangerous weapon. Victim received treatment for lacerations of the right cheek and nose. Some facial scars remain.
AWARD: $1,693.00 (medical expense - $63.00; transportation cost - $30.00; pain and suffering, etc. - $1,600.00)

42084 A 3-year old male was abducted, held hostage, repeatedly threatened with a knife and physically abused by a mentally deranged man who had earlier attacked and sexually assaulted victim's mother at a residence in Fort St. John, B.C. Culprit was ultimately apprehended and charged with kidnapping, abduction, possession of a dangerous weapon and attempted murder. Victim received medical treatment for multiple abrasions and contusions. AWARD: $1,200.00 (pain and suffering, etc.)

EXAMPLES OF ALLOWED CLAIMS - Continued

85283 A 21-year old male was attacked and struck in the face with a beer bottle by a man in a park area on Texada Island, B.C. Assailant convicted of aggravated assault. Victim received medical treatment for multiple lacerations of the face and which resulted in extensive scarring. AWARD: $1,807.00 (medical expenses - $182.00; clothing damage - $25.00; pain and suffering,etc. - $1,600.00)

84602 A 19-year old female was attacked, struck on the back, dragged for a distance and then caused to fall from a bicycle she had been riding on a road in Pitt Meadows, B.C. The culprit had struck victim from the window of a passing car as it overtook her. Culprit pleaded guilty to a charge of assault causing bodily harm. Victim received medical treatment for multiple contusions and abrasions of the face, arms, legs, back and right shoulder. AWARD: $2,089.43 (hospital co-insurance - $20.00; drug expense -$39.43; clothing damage - $30.00; pain and suffering, etc. - $2,000.00)

84774 A 35-year old female received multiple injuries during a struggle with a man whom victim had discovered in the process of deliberately setting a fire in a building in which victim resided in Harrop, B.C. Culprit charged with breaking and entering and arson. Victim did not require medical treatment but did suffer from a temporary anxiety state in relation to the incident.
AWARD: $850.00 (pain and suffering, etc.)

78183 A 24-year old male was attacked and stabbed repeatedly by a gang of knife-wielding male youths at a nightclub in Vancouver, B.C. The culprits were charged with attempted murder. Victim required extensive hospitalization and follow-up medical treatment for multiple stab wounds of the chest, scalp and forehead and involving extensive tendon, nerve and arterial damage in the left wrist. Victim disabled for approximately 7 months. AWARD: $18,168.84 (hospital co-insurance - $75.00; ambulance expense - $25.00; replacement eyeglasses - $137.76; medical expenses - $1,871.08; clothing damage - $60.00; loss of wages, pain and suffering, etc. - $16,000.00)

84900 A 12-year old female received injuries when bound and tied by a man in a deserted area in Richmond, B.C. Victim was present during a subsequent sexual attack on victim's mother. Culprit has not been identified. Victim did not require medical treatment. AWARD: $800.00 (pain and suffering and mental anxiety)

84831 An 80-year old male was attacked and struck with a cane by his granddaughter at victim's residence in Vancouver, B.C. Due to victim's advanced age and state of his health no criminal proceedings were instituted in relation to the incident. Victim received medical treatment for a fractured right ulna. AWARD: $1,200.00 (pain and suffering, etc.)

EXAMPLES OF DISALLOWED CLAIMS

54483 A 28-year old male was attacked by two men who cut off his right little finger after the assailants had entered his house in Prince George, B.C. Police investigation revealed that the incident occurred in retaliation for claimant's refusal to testify in criminal proceedings in connection with the beating of a female acquaintance of both claimant's and the assailant's. Subsequently, according to police, claimant and others attacked the assailant, and during which time the assailantwas himself stabbed repeatedly with a knife. Accused in connection with alleged attack on claimant was ultimately acquitted of all criminal charges following a criminal trial. No award was granted as claimant was a full participant in a series of violent episodes in which claimant himself had meted out his own brand of justice to other party. Claimant also did not report the incident involving the attack on his person to police and which came to their attention only as a result of police investigation into the stabbing occurrence involving the other party. Considered that in light of claimant's participation in a series of violent events as well as disposition of criminal proceedings, he was in no position to claim benefits as a victim of crime under the Act.

92183 A 28-year old male alleged that he was attacked, threatened and choked by two men alleged by claimant to have been police officers conducting a drug search outside of a hotel in Vancouver, B.C. Claimant did not lay any criminal charges, did not seek any medical attention and had no definable losses. No award was granted as, aside from questionable merits of claim, the worth of the claim did not amount to $100.00, the minimum lump sum payable under the provisions of the Act.

15280 A 16-year old male alleges to have been attacked and stabbed with a knife by a male acquaintance at a private residence in Vancouver, B.C. Accused subsequently acquitted of charges of assault causing bodily harm and causing bodily harm with intent. According to police investigation claimant and accused had been drinking heavily, had become involved in an argument followed by a fight during which claimant produced two knifes and challenged the accused. Accused retaliated in light of obvious threat from claimant. No award was granted as claimant had contributed substantially toward the entire incident in which he was eventually injured and to the point that he was not subsequently in any position to claim benefits as a victim of crime.

105483 A 21-year old female alleged that she was attacked and punched in the face by her common-law husband at their residence in Penticton, B.C. Claimant did not lay criminal charges. According to police alleged assailant had struck claimant after claimant had herself thrown a large bottle of antiseptic at the assailant, striking him in the groin area. No award was granted as the incident arose out of a domestic dispute in which claimant was at least an equal participant and in respect of which she did not

pursue criminal charges.

108283 A 53-year old male alleged that he was attacked and beaten by two men who were employees of a hotel in Victoria, B.C. According to police investigation the claimant had previously been barred from the hotel premises due to his own misbehaviour on past occasions. On the occasion of his injury claimant had insisted upon entering the hotel premises and arguing with the staff despite warnings to stay away. Claimant injured during ensuing fight. No award was granted as claimant had contributed toward the injuries to such a degree as to disentitle him to any award of compensation.

95683 A 31-year old male was found in an unconscious state lying on the ground beside a park bench in a park in Vancouver, B.C. Claimant had no recollection of the incident in which he was injured. In the opinion of investigating police claimant appeared to have "passed out" and that the injuries were due to a resulting fall. No award was granted as there was insufficient evidence from which to conclude that claimant had been injured due to a crime. In fact preponderance of evidence indicated claimant's injuries due to an accidental fall. Consideration also given to hospital information indicating claimant to be intoxicated at the time of his injury.

11284 A 24-year old male received a gunshot wound to the right hand and wrist when struck by a bullet fired by a male friend and hunting companion of claimant's in the area of Fernie, B.C. Criminal charges were not laid by claimant. Investigation reveals the shooting to have been an accident. No award was granted as incident arose from a hunting accident without any intent on the part of offender to injure claimant.

107483 A 26-year old female sustained fatal injuries when attacked and beaten by a man with a piece of wood on a street in Vancouver, B.C. Due to a lack of evidence criminal proceedings on a charge of murder were stayed. Application made by mother of the deceased claiming losses due to grief and anxiety in relation to her daughter's death. No award was granted and, quite aside from disposition of criminal proceedings, it was not established that the applicant was dependent upon her daughter for support. Award cannot be paid in respect of grief or bereavement suffered by applicant.

15184 A 21-year old male alleged that he was shot by a gun-wielding man at applicant's residence in Burnaby, B.C. According to police investigation the shooting arose out of the illicit drug trade in which both applicant and assailant had been participants. Assailant had gone to victim's residence with the knowledge that

the applicant kept possession of a number of illicit drugs. No award was granted as applicant was an obvious participant in the illicit drug trade and as such had assumed a risk of harm to himself particuarly in his role as a known drug dealer.

116583 A 23-year old male alleged that he was attacked and beaten, resulting in a fall and his striking his head on a curb of a road in Courtenay, B.C. Applicant did not pursue criminal charges. Police investigation revealed that applicant had become extremely intoxicated after ingesting a combination of alcohol and drugs and following which he started the fight in which he was injured by taking a swing at the other party. No award was granted as applicant had contributed toward the entire incident to such a degree as to disentitle him to any award of compensation under the Act.

20684 A 27-year old female received serious eye injuries when struck with a pellet from a handgun by her common-law husband at their residence in Vancouver, B.C. No criminal charges were laid. No award was granted due to the lack of criminal charges and the fact that the applicant had resumed cohabitation with the offender who would likely also benefit from the proceeds of the award.

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